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C O N F I D E N T I A L CARACAS 002202

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E.O. 12958: DECL: 05/25/2014

TAGS: [PHUM](#) [PGOV](#) [VE](#)

SUBJECT: TRIAL BEGINS IN TACHIRA 9 CASE

CLASSIFIED BY: A/DCM ABELARDO A. ARIAS FOR REASONS 1.4 (D)

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SUMMARY  
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[11.](#) (U) JUDGE GERSON NINO OPENED THE TRIAL AGAINST NINE OPPOSITION LEADERS WHO HAVE BEEN IN PRISON FOR THE LAST YEAR IN TACHIRA STATE ON JULY 6. THE NINE ARE CHARGED WITH CIVIL REBELLION FOR THE EVENTS OF APRIL 11, 2002 IN SAN CRISTOBAL, TACHIRA. AT THE OPENING OF THE TRIAL, PROSECUTOR JAIRO ESCALANTE ACCUSED DEFENSE LAWYER PEDRO REY OF BRIBING ONE OF THE TWO LAY JUDGES IN THE CASE. NINO REFUSED TO SUSPEND THE TRIAL, THOUGH HE GAVE THE PROSECUTORS UNTIL JUNE 8 TO SHOW THEY HAD EVIDENCE OF THEIR CHARGES. END SUMMARY.

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TRIAL BEGINS IN TACHIRA  
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[12.](#) (U) JUDGE GERSON NINO OPENED THE TRIAL OF NINE OPPOSITION LEADERS WHO HAVE BEEN DETAINED FOR THE PAST YEAR IN TACHIRA STATE ON JULY 6. JUDGE NINO WILL TRY THE CASE IN TRIUMVIRATE, WITH TWO LAYMEN. PROSECUTOR JAIRO ESCALANTE REQUESTED JUNE 6 THAT THE TRIAL BE SUSPENDED BECAUSE OF AN ACCUSATION AGAINST DEFENSE LAWYER PEDRO REY FOR BRIBING ONE OF THE TWO LAYMEN ASSIGNED TO THE CASE. JUDGE NINO REFUSED TO SUSPEND THE CASE, AND GAVE THE PROSECUTORS UNTIL JUNE 8 TO PROVE THAT TAMPERING HAD OCCURRED.

[13.](#) (U) THE NINE ARE ACCUSED OF CIVIL REBELLION FOLLOWING THE EVENTS OF APRIL 11, 2002 IN SAN CRISTOBAL, TACHIRA. THE CHARGES STEM FROM THE ALLEGED ATTEMPT ON THE PART OF THE DETAINEES TO TAKE OVER THE GOVERNMENT OF TACHIRA FOLLOWING THE "COUP" IN CARACAS ON APRIL 11, 2002. THE ACCUSED CLAIM THERE WAS A VACUUM OF POWER, AND THAT THEY WERE ONLY TRYING TO MAINTAIN ORDER WHEN THEY BRIEFLY TOOK CONTROL OF THE STATE GOVERNMENT. THERE ARE THREE OTHER SUSPECTS, WHO HAVE NOT TURNED THEMSELVES IN. TO DATE THIS CASE HAS HAD THREE DIFFERENT JUDGES AND FOUR DIFFERENT PROSECUTORS IN CHARGE. NA DEPUTY FOR TACHIRA CESAR PEREZ VIVAS (COPEI) TOLD REPORTERS THAT TACHIRA GOVERNOR RONALD BLANCO LA CRUZ (MVR), AND NA DEPUTIES FOR TACHIRA IRIS VARELA (MVR) AND LUIS TASCON (MVR) WERE RESPONSIBLE FOR THE YEAR LONG DELAY IN THIS CASE, BY ORGANIZING THE CHANGING OF JUDGES AND PROSECUTORS. ON JUNE 10 THE PENAL CHAMBER OF THE SUPREME COURT (TSJ) ORDERED JUDGE NINO TO BEGIN THE TRIAL WITHOUT DELAY. ACCORDING TO PRESS REPORTS, THE HEALTH OF SEVERAL OF THE DETAINEES HAS DETERIORATED WHILE IN PRISON.

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REACTIONS  
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[13.](#) (U) SUPPORTERS AND FAMILY MEMBERS OF THE NINE EXPRESSED JOY AND RELIEF AT THE INITIATION OF THE TRIAL, ACCORDING TO PRESS REPORTS. DEFENSE LAWYER PEDRO REY TOLD REPORTERS THE TRIAL, "WILL ALLOW US TO PROVE THE INNOCENCE OF EACH AND EVERY ONE OF OUR CLIENTS." THE MOTHER OF ONE OF THE DETAINEES SAID, "FINALLY THE TRIAL IS GOING TO BEGIN; FINALLY WE ARE GOING TO BE ABLE TO SHOW THE INNOCENCE OF ALL THE DETAINEES."

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COMMENT  
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[14.](#) (C) THIS IS THE FIRST OF THE POLITICAL CASES TO MAKE IT TO TRIAL. UP TO NOW THE GOV HAS USED A STRATEGY OF DELAYING TRIALS AND HOLDING PEOPLE ON LITTLE EVIDENCE. NOW, THANKS TO THE TSJ RULING, THEY MUST GO TO TRIAL. THERE IS LITTLE DOUBT ABOUT THE POLITICAL ALLEGIANCES OF THE PROSECUTOR OR THE JUDGE IN THE CASE. WHAT MUST BE CLOSELY WATCHED IS TO WHAT DEGREE THE GOV STILL FEELS BOUND BY THE RULE OF LAW.  
MCFARLAND

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